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REMARKS

Claims 1-28 and 30 are pending in the application. Claims 1, 12, and 30 have been amended herein. Favorable reconsideration of the application, as amended, is respectfully requested.

I. REJECTIONS OF CLAIMS 1-28 AND 30 UNDER 35 U.S.C. § 103

Claims 1-28 and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,389,019 ("Fan") in view of U.S. Patent No. 6,621,792 ("Petty"). Applicants believe that all pending claims are allowable for at least the following reasons. Withdrawal of the rejections is respectfully requested.

The claimed invention relates to apparatus/methods for controlling data flow through a network using a plurality of time-based queues. Independent claims 1, 12, and 30 have been amended to further clarify the invention. Independent claims 1, 12, and 30 now recite, *inter alia*, that "each time-based queue is configured to dequeue more than one packet." Independent claims 15, 25, and 28 also recite, *inter alia*, that "at least some times when de-queuing of all its contents, a time-based queue dequeues more than one packet." Support for the amendments is found at, for example, page 7, lines 14-17 of the present specification referring to Fig. 1. No new matter has been introduced by the amendments.

The Action asserts that the present specification does not specifically disclose dequeuing multiple packets at a time. Applicants respectfully disagree. In the example embodiment of the invention, the time-based queue B4 dequeues its contents 22. See, page 7, lines 14-17 of the present specification, and Fig. 1. The contents 22 correspond to multiple packets, not a single packet. This is clear from the description of the above-identified portion of the specification that "[t]hese contents are then forwarded to *their respective destinations* on the network." Therefore, the recitation of dequeuing more than one packet has adequate support in the specification.

The Action cites columns 3, 4, and 7 as disclosing dequeuing more than one packet. First, column 3, lines 15-19; and column 4, lines 4-6 of Petty merely refer to the "contents" of a queue, not multiple packets as claimed. As appreciated by those skilled in the art, the term "content" is usually used in the plural. However, such a usage does not mean that the contents is actually constituted by multiple packets. Rather, the term "contents" collectively refers to something contained as a whole. Therefore, these cited portions are irrelevant to the claimed invention.

Regarding column 7, the Action seems to point to column 7, line 40 to assert that Petty discloses dequeuing more than one packet. However, it is respectfully submitted that this portion

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of Petty merely provides an introductory statement before elaborating the details. By using the term "cells," column 7, line 40 of Petty at most implies successive multiple processes.

As explicitly stated at column 7, lines 46-48 of Petty (in the text explaining the sentence identified by the Examiner), the "function dequeues *a cell* from that queue 131, ... , and sends the *dequeued cell*" Both occurrences of the term "cell" are in the singular. Irrespective of the introductory statement, Petty's detailed description clearly spells out that dequeuing function deals with a single cell at a time. Therefore, the Petty patent cannot be said to teach or suggest the claimed invention.

For at least the reasons set forth above, the invention defined in independent claims 1, 12, 15, 25, 28, and 30, and their dependent claims is believed to be patentable over the cited art. Withdrawal of the rejections is respectfully requested.

II. CONCLUSION

Applicants believe that all pending claims are in condition for allowance, and respectfully request a Notice of Allowance at an early date. If the Examiner has any continuing concerns about patentability of the claimed invention, he is encouraged to telephone the undersigned at 510-663-1100, ext 245.

Respectfully submitted,
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